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**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**

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EDWARD B. EVANS 1936-1971

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**TO: The Honorable Commissioner
Attention: Commissioner for Patents
Art Unit 1761**

FROM: David H. Brinkman**Fax No.: (703) 872-9306****Phone: (513) 241-2324****Date: May 3, 2005****Fax: (513) 421-7269****Pages (including cover page): 9**

**Re: U.S. Serial No. 09/800,792 COTTON CANDY MARKETING AND PACKAGING
SYSTEM AND RELATED PRODUCT
Attorney Docket No. GME-138**

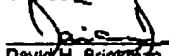
ATTACHMENTS/COMMENTS: OFFICIAL
Notice of Appeal (4 pages) (In duplicate)

05/05/2005 CNGUYEN 00000037 233000 09800792

01 FC:2401 250.00 DA
02 FC:2251 60.00 DA

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
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May 3, 2005

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David H. Brinkman, Reg. No. 40,5325/3/05
Date

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John C. Evans
Serial No: 09/800,792
Filing Date: March 7, 2001
Art Unit: 1761
Confirmation No.: 5511
Examiner: Weinstein, Steven L.
Title: **COTTON CANDY MARKETING AND PACKAGING SYSTEM AND
RELATED PRODUCT**
Atty Docket: GME-138

Cincinnati, Ohio

May 3, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the last decision of the Examiner dated January 14, 2005 finally rejecting claims 1-43.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

- ☐ other than a small entity.
☒ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

- ☒ small entity \$250.00
☐ other than a small entity \$500.00

Notice of Appeal fee due \$250.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<u>X</u>	one month	\$ 120.00	\$ 60.00
<u> </u>	two months	\$ 450.00	\$225.00
<u> </u>	three months	\$1,020.00	\$510.00
<u> </u>	four months	\$1,590.00	\$795.00

Fee \$60.00

 Attached is a check in the amount of \$ for the month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor. (Check and complete the next item, if applicable)

____ An extension for ____ month has already been secured and the fee paid thereof of \$ ____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ _____. Please charge Deposit Account No. 23-3000 in the amount of \$ ____ for the ____ (__) months extension fee as required by 37 C.F.R. §1.17(a)(3) for large entity status.

OR

(b)____ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

4. Total Fee Due

The total fee due is:

Notice of Appeal fee	\$250.00
Extension fee (if any)	\$ <u>60.00</u>

Total Fee due **\$310.00**

5. Fee Payment

____ Attached is a check is the sum of \$ ____.

X The Commissioner is hereby authorized to charge the amount of **\$310.00** for the appeal fee and the one month extension of time fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

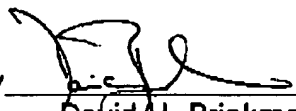
6. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By



David H. Brinkman
Reg. No. 40,532

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